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International Court of Justice

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Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 19 March 1946, 1000-1300, Lord Justice Lawrence presiding.

DR. STAHMER (Counsel for Defendant Goering): With the approval of the Tribunal, I call as witness Mr. Dahlerus, from Stockholm.

BIRGER DAHLERUS, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you tell me your name?

A Birger Dahlerus.

Q Will you repeat this oath after me:

I swear that the evidence I shall give shall be the truth, the whole truth, and nothing but the truth,so help me God.

(The witness repeated the oath).

You may sit down if you wish.

DIRECT EXAMINATION

BY DR. STAHMER:

Q Mr. Dahlerus, would you please tell the Court how it happened that you, as a private individual and a Swede, made efforts for reaching an understanding between England and Germany?

A I did know England very well, since I had lived there for twelve years, and I also knew Germany very well. I had seen the First World War from both sides, having lived in Germany and England during the first war.

On a visit to England by the end of June, 1939, I traveled around a number of cities, Birmingham, Coventry, Manchester and London, and I found all around a very determined position that the British public wouldn't stand for any aggression any longer from the German side.

On the 2nd of July I met with some friends in the Constitutional Club, and we discussed the position and they summed up the general opinion in England in a rather clear way. As this summary of the general opinion in

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England was a basis for my discussions afterwards with Goering, I think I shall quote it.

THE PRESIDENT: The Russian translation is not coming through. I am told it is coming through with interruptions.

DR. STAHMER: Should the witness repeat his testimony?

THE PRESIDENT: Would you just repeat the last sentence that you stated You said that on the 2nd of July you met friends in the Constitutional Club and discussed the general situation.

A And they summed up the position in a rather clear way. This formed the basis for my discussions afterwards with Goering. I therefore think I shall quote exactly the summary they made up of the opinion in Great Britain:

Formation of our opinion obtained by observation of conditions in England and from discussion with ordinary people.

A. Agreement that Berchtesgaden and Czechoslovakia have shaken confidence. Immediately after Berchtesgaden and before Czechoslovakia possibly could have obtained by cooperation many things decided by Germany.

B. British public opinion now exasperated. Decided that we go so far and no further.

C. Britain now had commitments which did not exist at the time of the Berchtesgaden meeting.

Poland and Danzig. Invasion of Danzig means war with Poland and Britain.

THE PRESIDENT: I am afraid the French translation isn't coming through properly now. The French and Russian are coming together.

BY THE PRESIDENT:

Q Now, Witness, would you go on with the document. You have given us a, b, and c, I think.

A Well, the end of c is as follows:

"Britain automatically involved by virtue of new commitments. Therefore, automatically war with Britain.

"d. Britain does not advertise her strength; not even fully appreciated by general British public."

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Then follows Statement No.2, about Lord Halifax's sp[illegible]

"Own personal observation indicates that Britain solid behind his statement."

THE PRESIDENT: One moment. I am afraid the Russian is coming through on the French again.

I am afraid the Tribunal must adjourn then.

(A recess was taken.)

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THE PRESIDENT: Before the witness goes on with his evidence, the Tribunal wants me to say that the system by which the earphones are connected with the interpreters was checked over after the Court rose last night, was checked over again at 9:30 this morning, and again at 9:55 this morning. But everyone who comes into this Court must realize that it has not been possible to bury these cables so as to make them altogether safe. It is, therefore, of the very greatest importance that everybody who comes into this Court should take real care to avoid, if possible, treading upon these cables, which may become injured by being kicked and broken, and in that way the faults in the system occur.

Everything is being done to maintain the system as efficiently as possible. It, therefore, rests with those who use this Court to see that they do their best to assist in keeping the system efficient.

(DIRECT EXAMINATION CONTINUED):

Q Would you please continue, witness?

A Point Number Two: Lord Halifax's speech. Own personal observation indicates that Britain solidly behind his statement. Lord Halifax understates his case, as is British custom; that is to say, understates the strength of Great Britain's force. Is perhaps not fully understood by Germany.

Number Three: Britain desires peace, but not peace at any price. German people very acceptable to British, and does not appear to be any good reason for armed conflict. As in past, Germany will certainly be defeated and will obtain far less by means of war than by peaceful methods of negotiation. Britain and her friends will also suffer very heavily. May be end of civilization.

THE PRESIDENT: Yes.

A Having observed that there was rather a disinclination in the Third Reich to forward unfavorable reports, I felt it was both my duty and it might be of great value if this exact opinion in Great Britain was brought to the highest quarters in Germany.

Q Mr. Dahlerus, one question. Were these friends of yours members of the English Parliament?

A No, it was people from the business world, and if the Court so desires, I can hand over a list of the names.

THE PRESIDENT: Go on, Dr. Stahmer.

Q What were their names?

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A May I save time and hand in the list of names to the Court?

THE PRESIDENT: Their names are not of any great importance, are they, if they were people inthe business world?

A After having agreed with my friends in reference to the advisability of a visit to Germany, I left for Germany and got an appointment with Goering on 6 July, four o'clock in the afternoon, at Karinhall.

I told him about my observations in Great Britain and strongly emphasized the necessity to take such actions that no risk of war might occur. Goering doubted if these observations may not refer to an attempt on the British side to bluff and also emphasized that he was of the opinion that Great Britain wanted to control developments on the Continent.

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A I told him that I did not want him to accept my statements as a neutral citizen, but suggested that a meeting should be arranged where he and some other members of the German Government would have an opportunity of meeting British citizens who knew conditions well. I suggested that such an informal meeting might usefully take place in Sweden, possibly on the invitation of His Majesty the King of Sweden, or the Swedish Government.

On the 8th of July I received from Goering the reply that Hitler agreed to this plan, and I left for Sweden to ascertain if it was possible to make arrangements in Sweden.

The Swedish Government, for certain reasons, considered it inadvisable that His Majesty the King or the Government issue such an invitation, but they had nothing against if private people made such arrangements.

Count Trola Wachmeester willingly placed his castle, Trola Beelja, at our disposal for such a meeting. I left on the 19th of July for London to make the arrangements.

THE PRESIDENT: Dr. Stahmer, can't you take the witness on, in order to save time, to the actual negotiations? All these preliminaries do not seem to the Tribunal to be very important. Can't you take him on to the actual negotiations?

DR. STAHMER: I can, yes. He is about to speak of the conference that took place in Soenke Nissen Koog.

BY DR. STAHMER:

Q If the witness could please describe that meeting. You were about to say that on the 19th of July you flew to London. Did you there meet Lord Halifax on the 20th?

A Yes.

Q I consider this report essential. Could you please tell us about that? What took place during this conference with Lord Halifax?

A I met Lord Halifax on the 20th, and he then emphasized that he did not want any members of the British Government or Parliament to participate, but His Majesty's Government would, with interest,

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follow the results of the meeting. The meeting took place at Soenke Nissen Koog, in Schleswig Holstein, a place belonging to my wife. Seven Britishers, Goering, Bodenschatz, and Dr. Schoettl were present.

Q On what day was this?

A It was on the 7th of August, and the meeting started at 10 o'clock. The meeting started, and Goering invited the Britishers to put any questions they liked. Thereafter a long discussion took place about political developments, particularly with reference to connections between Great Britain and Germany, and eventually on both sides they came to discuss the question of Munich and events at Munich. The British representatives emphasized the necessity of stopping the aggression policy in Europe, and the question of the Corridor and Danzig was discussed.

The British members made it perfectly clear that in case Germany with force would try to occupy any territory, the British Empire would, according to obligations to Poland, help Poland.

Goering mentioned on his word of honor as a statesman and as a soldier that, although he was in charge of the most powerful air force in the world and it might be tempting to him to lead his air force in battle, he would do all he could to help prevent a war.

The result of the meeting was that all present came to the conclusion that it would be of great value if, by delegates from Great Britain and Germany, a meeting could be arranged as early as possible. The conference ended late at night, and next morning the British delegates suggested that such a conference should be extended to four nations, Great Britain, France, Italy and Germany. I went to Sylt, where Goering was staying, and he consented on behalf of Germany to such a modification of the proposal.

Q Were British members of Parliament present at this meeting?

A No, only business people from England.

Q Has a report been given to Lord Halifax about this visit?

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A The British members left Germany early on the 9th of August and immediately submitted on their return a report to the Foreign Office.

Q Did this meeting that you intended take place, or did events continue as before?

A I received a confirmation from Goering personally that Hitler had agreed to such a conference being arranged, and the matter was discussed in London, and I received, on the 19th of August, a request to go to Paris, evidently to obtain a reply from the British side. Before I left, on the 21st of August, information came that a commercial treaty had been closed between Russia and Germany, and on the following day this had been extended to an agreement also covering political questions. On the 23rd I was requested by a phone call from Goering early in the morning, 10.30, if possible to come to Berlin at once.

Q Was the danger of the situation discussed?

A Yes. Goering mentioned that in the meantime the situation had become very serious.

Q Then when did you meet Goering?

A I arrived in Berlin on the 24th and saw Goering at 2 o'clock in the afternoon.

Q What took place in your conference?

A He told me that it was a very serious situation, due to the fact that no settlement had been reached between Poland and Germany, and he asked me if I possibly could to proceed to London and explain the position in London.

Q Was it your task to point out particularly there that Germany was perfectly prepared to reach an understanding with England?

A Yes. Goering explained that Germany was anxious to come to an understanding with Great Britain.

Q When did you leave for London?

A The following morning, on the 25th, Friday.

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Q Was this trip undertaken with Hitler's understanding?

A That I could not say.

Q With whom then did you have a discussion in London on the 25th?

A Before the evening. It was late in the afternoon, 6.30, with Lord Halifax.

Q What did Halifax tell you then?

A I was informed that the same day Henderson had seen Hitler, and Henderson was expected in London on Saturday, the 26th. Then he expressed his hope that, since now the official channels had been opened, a settlement should be possible. He thanked me for what I had done, and told me he did not think I would be required any longer.

Q Did you on the same evening have a long distance telephone call with Goering?

A Yes.

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Q What did you say?

A I tried at 8 o'clock in the evening to get him on the telephone, but only after I had obtained help from the Foreign Office was it possible to establish connection. Goering then told me that the situation was extremely grave and asked me to do anything possible I could to arrange for a conference between delegates from Britain and Germany.

Q Did you inform Lord Halifax of this conversation?

A Yes. Mr. Roberts, from the Foreign Office, obtained immediately the exact wording of our conversation and before midnight Lord Halifax obtained the report.

Q Did you then on the next morning, Sunday, the 26th--rather, Saturday, the 26th, ask for a new conference with Lord Halifax, and what was the content of that discussion?

A I met Lord Halifax on Saturday, the 26th, at 11 o'clock. I told him that I heard the German Government was trying to rush a decision through and emphasized the importance of trying to make clear to them that in such a serious situation it was necessary to act with great responsibility and care, and asked him to emphasize to the German Government the desire of the British to come to an understanding.

Q Did anyone state that Goering was the only German who could prevent war?

A Well, I personally had the impression that Goering was a member of the German Government who was most likely to work for peace. I based this impression on the conversations I had with him.

Q What suggestion did you make to Lord Halifax?

A I suggested to Lord Halifax that if he could write a letter to Goering I should at once proceed to Berlin and hand it over.

Q Did he agree to your proposal?

A Yes, with reference to Chamberlain, and afterwards wrote an excellent letter in which he, in clear and distinct words, pointed out the desire of His Majesty's Government to obtain a peaceful settlement.

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Q Did you then fly back to Berlin with this letter?

A Yes. I reached Berlin in the evening and met Goering about 10 o'clock in the evening.

Q Describe to the Tribunal what happened during this conference with Goering regarding your conference with Halifax?

A I met Goering in his train which was just on the way to headquarters. I told him about conditions in London and emphasized that there was no doubt that, if the German Government took a step against Danzig, they would be involved with Great Britain, but that I was satisfied the German Government would do what it possibly could to avoid a crisis. After having explained to him, I handed him the letter. He tore it open, and after having read through it, he put it before me and asked me to carefully translate it, because it was of great importance that the contents were clearly understood. Immediately he told the adjutant to order the train to stop at the next station and declared that he felt it was necessary immediately to inform Hitler of the letter. I followed him in the car to Berlin, and exactly at 12 o'clock midnight he stopped outside the Reichkanzlei, where Goering started out to see Hitler and I proceeded to my hotel.

Q That was on the 27th of August, in the evening or early morning of the 27th of August? Did you have a conference with Hitler?

A I was called on by two officers about a quarter past 12 midnight, who asked me to come to Hitler, and upon immediately arriving I was received by him, and with him was only Goering.

Q Please describe this discussion more exactly.

A Well, Hitler started in his usual way with a long explanation of German policy. It lasted about twenty minutes, and I thought that no useful purpose would be served by my visit. At a suitable opportunity, when he was running down the British Nation and Great Britain, I interrupted and told him I have been working as a working man, an engineer, and in charge of industries in Great Britain, and I know the people well, and I had to disagree with his statements. We came into a long discussion when he asked lots of questions about

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England and the British people. Afterwards, he started to explain to me how well the armed forces of Germany had been equipped. He then looked rather excited, walked up and down, and in the end he got in a very excitable stage and told me that, if it came to war, "I will build U boats, U boats, U boats--U boats I will build," and he seemed to be speaking as if he didn't realize somebody was present. After a while he shouted that he would build airplanes, airplanes--airplanes he would build and he would win the war. After a while he calmed down and began to speak about England and said, "Mr. Dahlerus, tell me why I never succeed to come to an arrangement with the British Government. You seem to know England so well, you might be able to explain?" I hesitated, but told him that with my intimate knowledge of the British people I was satisfied that the lack of confidence in him and his Government was the reason.

Q Continue.

A The conversation went on. He gave me a long resume about his discussion on Friday with Henderson, and at the end he asked me to go over to London at once and explain his viewpoints. I naturally refused, telling him that I could not go as an emissary for the German Government, but if the British Government expressed the desire that I should come over I was prepared to go. The condition was, however, that I had full knowledge of the exact conditions and proposals that he wanted to make. We spent an hour and a half, during which he fully explained the various points much more in detail than he had the time to explain to Henderson.

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Q What specific proposals did you make?

A In condensed form, they are as follows:

(1) Germany to sign a pact or alliance with Great Britain.

(2) England was to help Germany to obtain Danzig and to obtain Corridor.

(3) Germany pledged herself to care for Poland's populace.

(4) An agreement should be reached about Germany's colonies.

(5) Adequate provisions should be made for the treatment of the German minority in Poland.

(6) Germany pledged herself to defend the British Empire with the German Wiermacht whenever the former might be attacked.

Q Regarding point (2), was not Poland assured that it would have a free harbor in Danzig?

A Yes. That is true. This is only a condensed formof the proposals, of course.

Q Is it true that Poland did have a free harbor?

A That is what Hitler said, Yes.

Q What was the further coure of this conversation?

A I left on a special plane in the morning, after having been in contact with London, and met Mr. Chamberlain, Lord Halifax, Sir Horace Wilson, and Sir Alexander Cadogan.

Q This is on the 27th of August, is that not so?

A The 27th of August, at Downing Street No. 10.

Q What took place during this conference with Lord Halifax and Mr. Chamberlain?

A We discussed the proposals made in great detail. On certain points, as will be seen from the blue books, these proposals differed from those made to Henderson. I therefore suggested to the British Government, if they had full confidence in me as an intermediary, they should tell me how far they could accept the proposals or not, and I should go back to Berlin the same day and discuss the British viewpoints with Hitler and Goering. They should retain Henderson in London until Monday so that their reply could be given after they knew how Hitler viewed the British standpoint.

Q During these days, did you also have a conference with Sir Alexander Gadogan?

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A After the meeting with members of the Government I mentioned above, I had a long conversation with Cadogan.

Q Did you receive specific proposals from him?

A Yes.

Q What were they?

A The British Government took a lot of trouble to deal in a fair and respectable way with the various points. Naturally, point (6), the offer of defending the British Empire, was turned down. Similarly, they refused to discuss colonies before Germany had demobilized, and in reference to the boundaries of Poland, they wanted these boundaries to be carried by five great powers: Russia, Germany, England, France and Italy.

In reference to the Corridor, they recommended immediate negotiations with Poland.

In reference to point (8), rather to point (1), England was in principle willing to come to some agreement with Germany.

Q Did you then return to Germany with these proposals?

A Yes, after having telephoned to Berlin, because the British Government promised to send Henderson back the same day, and obtaining confirmation from Berlin that they agreed with Henderson's delay in returning on Monday, I left that evening and arrived shortly before midnight at Berlin.

Q Did you then immediately have a conversation with Goering?

A I met Goering about 11:10 on Sunday evening and told him about the results.

Q Can you describe that conversation a little more exactly?

A He replied that it was fatal, but I explained to him that considering events during recent years, he could hardly expect Great Britain to be satisfied with the Corridor of Poland. And in reference to the colonial question, I explained to him that any British Government trying to force this point in Parliament as long as Germany's forces were mobilized would be bound to fall at once.

In reference to the 6th point, I would like to make it clear that Great Britain, or the British Empire, would prefer to look after their own interests.

In the end, he said that it would be better if he saw Hitler alone. He left

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for Reichskanzlei and I went back to my hotel. About 1:00 on Monday morning, the 28th, I received a telephone call that Hitler accepted the British viewpoints subject to the reply Henderson gave the next day would in general be the same as I had given.

Q Did you not then, on the same evening, talk to the English Ambassador?

A Yes. I went straight to the British Ambassador and reported to Sir George Ogilive Forbes the results of my conversation with Goering and he cabled to London.

Q Did you inform Goering of what happened during that conversation?

A Well, naturally I was acting quite openly, so I told Goering what I intended to do so it was with full knowledge of the German Government that I discussed it with Forbes.

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Q When did you then meet Goering next?

A I met Goering on Monday morning, the 28th, at his headquarters.

Q Wasn't this Tuesday?

A No, Monday morning. It was Monday morning, the 28th.

Q What took place during this conversation with Goering?

A In general, about the position, and he seemed satisfied with the fact that Forbes had cabled to London.

Q Did you then visit Forbes again?

A Yes, I met Forbes afterward but that was not of great importance.

Q Then on Tuesday you met Goering again, Tuesday morning?

A Well, the most important that happened was that Tuesday morning or just after midnight, 1:15, on the 29th, I received a telephone call from the Reichskanzlei on the request of Goering, from Oberstleutnant Konrad, that Henderson had given his written reply and this was most satisfactory and there was every hope that there would be no risk of war.

I met Goering afterwards on Tuesday morning and he expressed to me his great pleasure that things had developed so well.

Q Didn't he make a statement as follows: We want peace and peace is assured?

A Yes, that is a fact.

Q Then in the course of the 29th of August you were called up once again by Goering. Why?

A I was at my hotel late in the evening, about 10:30. I was called up by Forbes, who told me he had to see me at once. He came to my hotel and explained that a meeting between Hitler and Henderson on Tuesday evening had been most unsatisfactory and they departed after a great quarrel. And he asked me what I could suggest under the circumstances.

During our conversation I was called to the phone by Goering, who asked me to come to his house in Berlin. He told me the same thing, and seemed very upset at developments. He showed me the German reply to the British note and went through it carefully and tried to explain the reasons for the formulation of the note. In the end he asked me at once to proceed to London again and try to explain this unfortunate incident to the British Government, and if it is not, by explaining that Hitler was busy on a

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proposal to Poland that probably would be ready the next day.

After consultation through Sir Kingsley Wood, the Air Minister, about a new visit to England, I left on Wednesday morning, 5 o'clock. Immediately after my arrival in London I met the same members of His Majesty's Government.

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Q Whom did you meet there?

A I met some of the members, Mr. Chamberlain, Mr. Halifax, Mr. Horace Wilson, and Cadogan.

Q What took place during the conversation?

A It was obvious that by that time the British Government was most suspicious, and rather inclined to feel that whatever efforts were made from their side nothing would prevent Hitler from declaring war on Poland. The British Government did everything they could. They sent their ambassador to Warsaw to request the Polish Government to do everything they possibly could to avoid incidents along the border, but they explained to me that it was hardly fair to expect the Polish Government to send delegates to Berlin to negotiate after the experience the other countries had had during recent years when they had been on similar missions to Berlin.

I telephoned to Berlin for a contact with Goering with the object of trying to persuade him to arrange for a meeting outside of Germany for the delegates, but he only said that this was impossible; that Hitler was in Berlin and the meeting had to take place in Berlin. They indicated proposals to Poland, but members of the British Government viewed these proposals with great suspicion. The Polish government was going to have a meeting in the afternoon, and cable results to Berlin. In the meantime I returned to Berlin.

Q When did you meet Goering there?

A I met Goering--

THE PRESIDENT: Could you make this a little bit shorter, Dr. Stahmer.

DR. STAHMER: Since these are very essential matter, I believe it is being shortened as much as possible, Your Honor.

THE PRESIDENT: Mr. Dahlers, the Tribunal wishes you to get to the crucial matters as soon as possible.

THE WITNESS: Well, I met Goering just after a midnight on a Wednesday. He first informed me about the proposal made to Poland, and he showed me the note. I telephoned Forbes to obtain results. He then told me that Ribbentrop had refused to give him the note after he had read the proposal. I immediately told Goering that it would be impossible to treat an Ambassador of an empire like that, and suggested he should allow me to telephone Forbes, and to give Forbes the contents of the note on the telephone. I did this

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about one o'clock on Thursday morning.

BY DR. STAHMER:

Q In other words, did Goering tell you that he was taking a great responsibility on himself?

A Yes, that it was on his own responsibility.

Q Did you then on the next morning go to the British Embassy in order to convince yourself whether your telephonic communications had been correctly understood?

A Yes, I met him the first thing Thursday morning, the 31st, at 10 o'clock and discussed the note with him, and he requested me at once to proceed to Lipski, the Polish Ambassador, and to give him a copy.

Q Did that happen?

A He sent Forbes with me to Kipski, and I read the note to Lipski, but he did not seem to grasp the contents. I, therefore, left the room, dictated a note to the secretary, and handed it to him. In the meantime Lipski explained to Forbes that he was not interested in discussing this note with the German Government.

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Q Did you give this conversation as closely verbatim as you can? It seems very important to me.

A When he said that he had no reason to negotiate with the German Government if it came to war between Poland and Germany he knew because he had been living for five and a half years in Poland, that there would be a revolution in Germany and they would march on Berlin.

THE PRESIDENT: Yes, Dr. Stahmer, are you not going on?

BY DR. STAHMER:

Q Please continue, witness.

Did you then inform London of your conversation by telephone?

A I did phone at once from the British Embassy and told Sir Horace Wilson about the conference we had.

Q Was there another discussion with Goering in the afternoon?

A I saw Goering at one o'clock in the afternoon. He then received a copy of a cablegram from the Polish Government to Lipski, to the effect that Lipski should not without special instructions from Warsaw negotiate with the German Government. It is obvious that the Poles during the existing circumstances were most scared what actions they took but this telegram did upset the German Government very much.

Q On that afternoon did you again meet Goering along with the British Ambassador?

A The situation seemed to be impossible. Hitler called Sir Nevil Henderson. Ribbentrop had quarreled with him and I thought the only possibility was if Goering could come to an understanding with Henderson. I suggested a meeting between them. It took place at 4:50 in the afternoon at Goering's house. Forbes was present and I was present myself.

Q What took place during that talk?

A Already before the meeting Henderson expressed his suspicion that the German Government would try to arrange a settlement with England and make a split between England and Poland. Hendersonwas therefore very careful during the two hours conversation and the result of the conversation

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was only that both parties agreed it would be necessary to arrange for a meeting between delegates from both countries if that possibly should avoid war.

Q On this occasion did you suggest that Goering should meet English delegates immediately?

A I suggested that a meeting should at once be arranged in Holland and Goering should represent Germany.

Q What was Henderson's attitude to this proposal?

A Henderson promised to submit the proposal to his government. But I had the impression that he already knew that the German forces were moving and it did not seem as if he put great faith in the possibilities.

Q Do you know of a statement on the part of Goering that if the Poles did not submit Germany would crush these people and is quite prepared and "if we had to declare war we would regret it but that would simply be Great Britain's fault?

A I can't recollect those words but it is possible that during the two hour conversation they were uttered.

Q How did this talk conclude?

A At 7 o'clock in the evening they parted and both parties agreed but tried to arrange for the meeting in Holland.

Q Did you then on the first of September meet Goering again?

A On the first of September I met Goering at eight o'clock in his headquarters. After some hesitation he told me that war had broken out due to the fact that the Poles had attacked the radio station at Gleiwitz and blown up the bridge at Birschau. Later he gave me more details from which I gathered that the full force of the German Army was attacking Poland.

Q Did you then on the 3rd of September meet Goering again, and did you on that occasion, make the suggestion that Goering should fly to London for a direct conference?

A Well, before I mentioned what happened then, I think I should mention that I met Hitler in the Reichskanzlei on the first of September immediately after his speech before the Reichstag in the corridor. He was then exceedingly nervous and very agitated and he told me that he had all

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the time suspected that England wanted a war and he told me that he was going to smash up Poland and take the whole country. Goering interrupted, indicating that they would advance to certain points. But Hitler was in an uncontrollable frame of mind and started to shout he would fight one year, two years and he started up in a great excitement saying that he would fight ten years.

Then on Sunday, the third of September, I obtained early in the morning information from Forbes that an ultimatum would be given at nine o'clock. Conditions immediately ceased and withdrew the forces to the German border. I immediately went off to Goering's headquarters near Potsdam. He was there and not with Hitler. I appealed to Him at least to try to arrange for a sensible reply to the ultimatum. I had the impression that certain members of the German Government were in favor of war and I was afraid if a written reply was given it would not be framed to help to prevent war with England. I therefore suggested that Goering should declare himself prepared to go to England at once before eleven o'clock to negotiate.

Q How did Goering react to this suggestion?

A He was -- he accepted the proposal and phoned Hitler and Hitler agreed

Q Did you then telephone London?

A Yes, I phoned up London, obtained contact with the Foreign Office and they gave the reply that I did expect, that they could not consider this proposal before they received a written reply to the ultimatum.

Q Did you communicate this to Goering?

A Yes, I told Goering.

Q What impression did that make on him?

A Goering seemed to be sorry it was not accepted.

Q Then on the 4 of September did you speak once more with Goering?

A Yes, I had a short interview with Goering on the 4th but not of any great importance.

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Q On this occasion did Goering say to you that, come what may, we would carry out the war as humanely as possible and that Germany would under no circumstances undertake war action against England but if England should shoot on Germany then Germany's answer would be inevitable?

A Yes, that is correct.

Q Did you publish a book called "Last Attempt"?

A Yes.

Q Is the account you give there true?

A Yes, it is written with great care. The record as far as I humanly could is absolutely exact and correct.

Q Is what you say there based on notes that you took at the time?

A Yes.

Q When did you finish these notes?

A I made them immediately on my return to Sweden on the 5th of September, 1939.

DR. STAHMER: Mr. President, I have three more small questions. Should I ask them now or should we now adjourn?

THE PRESIDENT: I think you could ask them now.

DR. STAHMER: Very well.

BY DR. STAHMER:

Q On the 24th of September, 1939, did you speak with Forbes in Stockholm?

A No, I met Forbes on the 24th of September in Oslo, that was after the occupation of Poland, in an endeavor to try to ascertain if there still was a possibility of preventing a world war. He gave me in writing the viewpoint of the British Government, summarized as follows: "The British Government had to put up --- "

THE PRESIDENT: Wait a moment. What has this to do with the defendant Goering?

DR. STAHMER: This is evidence that he made efforts even later to bring about peace.

I have now only one more question which affects Goering immediately.

H0087-0025

THE PRESIDENT: The fact that he met Sir George Ogilvie Forbes in Oslo on the 24th of September does not at present appear to have anything to do with Goering.

DR. STAHMER: It is significant to the extent that Dahlerus did this in order to put London and Berlin once more in touch with each other in order at this stage of events to bring about peace.

THE PRESIDENT: Well, go on with your next question then.

THE WITNESS: The provisions were: "To redeem Europe from perpetually recurring fear of German aggression and to enable peoples of Europe ---"

THE PRESIDENT: Wait a minute. What has the letter that Sir George Ogilvie Forbes wrote got to do with Goering?

DR. STAHMER: The content of this letter was told to Herr Dahlerus on the 22 of September and Dahlerus discussed it with Goering and he attempted to reach some sort of agreement on that basis.

MR. JUSTICE JACKSON: Your Honor, may I enter a further objection? It has nothing to do with the Indictment. We have not charged that a war against England was an aggressive war. The charge is that the war against Poland was an aggressive war. All of this negotiation to keep England out of the war while they took Poland is utterly irrelevant to the Indictment, I respectfully submit, and that because it has nothing to do with the Indictment, with the charge, it should be rejected.

THE PRESIDENT: Dr. Stahmer, if the witness had an interview with Goering afterwards you can come to that but not to preliminary conferences with Sir George Ogilvie Forbes.

DR. STAHMER: It would not be comprehensible unless I do so. He had to tell Goering what Forbes told him. Forbes made certain suggestions to him and Dahlerus took these suggestions to Berlin and communicated them to Goering, told him what Forbes had told him.

THE PRESIDENT: Let the witness give the account of his meeting with Goering.

DR. STAHMER: Very well.

H0087 - 0026

BY DR. STAHMER:

Q Herr Dahlerus, it was on the 26th of September that you looked up Goering in Berlin?

A Well, I met both Goering and Hitler on the 26th of September.

Q Did you inform Goering of what suggestions Forbes had made to you?

A I had discussed with Hitler on what conditions he was prepared to make good the harm he had done to Poland and make peace, and to my great disappointment he then definitely declared that he was not prepared at all to discuss the question of Poland. Poland was occupied and that was no business any longer of Great Britain. I then realized that the aim, his aim had been to split Poland and England and with the consent of Great Britain have the opportunity of occupying Poland without running the risk of war with Great Britain and France.

Q In July 1940 did you again meet Goering?

A Yes, Goering suggested in July, 1940, that His Majesty, the King of Sweden, should endeavor to approach the various powers for negotiations about peace.

DR. STAHMER: No further questions.

THE PRESIDENT: The Tribunal will adjourn until 2:10 p.m.

(A recess was taken until 1410 hours).

H0087 - 0027

Official transcript of the International Military Tribunal in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 19 March 1946, 1400-1700, Lord Justice Lawrence, presiding.

BIRGER DAHLERUS -- resumed.

THE PRESIDENT: Does any member of the defendants' counsel wish to ask any questions?

DIRECT EXAMINATION--Continued

BY DR. HORN: (Counsel for the Defendant Ribbentrop)

Q Witness, can you tell us the reason why the conference between Hitler and Henderson on the 29th of August had no results?

A No, I only had the report that they disagreed and got into a quarrel.

Q Do you know about which of the six points the quarrel started?

A As far as I recollect, it was on the wording of the German reply saying that they expected representatives from Poland during the next 24 hours.

Q Were you not later told by Hitler in the presence of Goering that he put these demands because the two armies, the Polish and the German, were already standing in readiness, and at any moment a serious conflict was to be expected, and therefore Hitler did not want to put an ultimatum regarding the calling of a man from Poland, but only wanted to avoid the outbreak of a conflict?

H0087 - 0028

A Yes, explanations to that effect were given.

Q Is it correct, Witness, as you wrote in your book, that in the Polish Embassy, the Polish Ambassador, M. Lipski, told you that in case of a war the Polish Army would march to Berlin in triumph?

A No, he did not say that to me, but he made remarks to that effect before Forbes.

Q And Forbes transmitted these remarks to you. How did it come about that you had a meeting with Mr. Forbes on the 24th of September in Oslo?

A I took the initiative and went to Oslo to see him.

Q Please, could you tell us about the content of the letter from Forbes, briefly?

A I read that --

THE PRESIDENT: The Tribunal have already said that they don't want to hear that. And I don't see what it has to do with von Ribbentrop.

DR. HORN: Foreign Minister von Ribbentrop is under indictment on the basis of leading the entire German policy. I consider it, therefore, important that this letter which will give information about the further course of the foreign policy such as Ribbentrop saw it, that this letter was decisive for his later attempts toward peace, for instance.

THE WITNESS: To redeem Europe from perpetual German aggression --

BY THE PRESIDENT:

Q Was this letter ever shown to von Ribbentrop?

A No.

THE PRESIDENT: The Tribunal has already ruled that they will not have the letter read.

BY DR. HORN:

Q Then on the 26th of September 1939 you had a conference with Hitler. Is it correct that at that time Hitler told you he could negotiate with England concerning Poland because the major part of Poland was occupied by Russia and Russia to his knowledge would not cede it?

A He said that he was not prepared to discuss the question of Poland, and he added afterward that apart from his decision he did not think Russia was prepared to discuss the territory occupied by Russia.

H0087-0029

Q Well, at the time you were negotiating were you politically independent?

A Absolutely.

DR. HORN: Thank you; no more questions.

THE PRESIDENT: Is there any further examination by members of the Defense?

BY DR. LATERNSER (counsel for General Staff and OKW):

Q I have only one question, Witness: During the numerous negotiations which you heard, were there German officers there? Did high military leaders participate actively at any time?

A Never.

THE PRESIDENT: Do any of the others of Defense Counsel wish to ask any questions?

(No further examination here by Defendants' Counsel)

CROSS-EXAMINATION BY SIR DAVID MAXWELL-FYFE:

Q Mr. Dahlerus, will you tell me whether I got all of your last answer to Dr. Stahmer correctly? Did you say that "I then realized that it was on the 26th of September, that his, Goering's aim, had been to split Poland and grab and occupy Poland with the consent of Great Britain"? Is that right?

A Yes, it is correct, but I should like to say it was the German Goverrment's, including Goering's, aim.

Q The German Government. I am grateful. Now, I want you to tell the Tribunal quite shortly why you didn't realize that aim earlier.

DR. STAHMER: As far as I understood the answer of the witness, he said in answer to my question that that was Hitler's opinion of Goering. The witness has not spoken --

THE PRESIDENT: I think you are right in that, but the witness has now corrected it to say it was the German Government. You will be able to re-examine.

Q Now, I just want to explain to the Tribunal -- and listen to the question I put to you -- why you didn't understand that at the time. Your original object in seeing Goering at the beginning of July was to inform him

H0087-0030

that British public opinion had hardened and wouldn't stand another act of aggression, isn't that right?

A Yes.

Q The reason you went to Goering is shown in page 8 of your book, if you've got the English version.

A Yes.

Q And, Mr. Dahlerus, I want you to be absolutely sure that when I quote your book I don't take anything out of its context. Just before the break on page 8 you say this:

"The essence of National Socialism was bellicose and aggressive and completely devoid of all moral scruples in its dealings with other nations. Hitler thirsted after conquest. It was said that Goering had energetically striven for a peaceful solution of the Munich crisis and this had lessened his popularity with the German Government."

That was the reason you went to Goering?

A Yes.

Q And when you put your point of view to Goering, his first reaction was that the British Government were bluffing over Danzig and Poland.

A Yes.

Q And you wanted and succeeded in arranging the first meeting in order to convince Goering that according to British public opinion the British Government wasn't bluffing, is that right?

A Yes, that is correct.

Q Now, I just want you to turn to page 29 of your book -- the very top of the page -- where you describe the end of your conversation with the Defendant Goering in the train before the meeting at the beginning of August. Do you remember?

A Yes.

Q Goering explained what his aim was. And if you look at the second line "This was a mutual agreement regarding the holding of an Anglo-German conference." And note the next words, Mr. Dahlerus "with plenipotentiary representatives from both Governments." One matter which Goering had always

H0087-0031

made clear was that he would demand the return of Danzig and certain rights over the Corridor -- the Polish Corridor -- isn't that right?

A Yes.

Q And from the very start he wanted a plenipotentiary conference at which territory could, if necessary, be ceded to Germany, didn't he?

A Evidently.

Q Now, I want you to come straight on to the 24th of August, when you saw Goering and he asked you to go to London. One of the points he wanted you to stress was that he and the German Government thought that there had been a great improvement in their military situation because of the German-Soviet Treaty.

A That's correct.

Q And the other -- if you turn to the bottom of page 35 in your book and then look at the top of page 36: "The reason was his disbelief that the German Foreign Office would be able or willing to establish a sufficiently close contact with the British Foreign Office."

A That is correct.

H0087 - 0032

Q Now, you remember that day that you had the conversation with him and later on he rang you up at 11:30 before your departure?

A Yes.

Q I just want you to tell the Tribunal one or two of the things that he didn't tell you on that day. He didn't tell you, did he, that two days before, on the 22nd of August, at Obersalzburg, Hitler had told him and other German leaders that he -- Hitler -- had decided in the spring that a conflict with Poland was bound to come. He didn't tell you that, did he?

A I never had any indication or disclosure as to that policy on the 11th of April or the 23rd of May, or the 22nd of August.

Q You never heard of that -- that is Document 798-PS, the one of the 22nd of August -- as you have told us, you never heard of the Fall Weiss prepared in April, but I want to get it quite clear about the other one, GB-75 the 23rd of May. He never told you that Hitler had said to him on that day that Danzig is not the subject of the dispute at all. "It is a question of expanding our living space in the East." And I think he also didn't tell you that Hitler said on that day, "Our task is to isolate Poland. The success of the isolation will be decisive." He never mentioned to you about isolating Poland.

A Never indicated anything in that direction at all.

Q But I think he did tell you in the earlier interview that he was going to see M. Lipski, the Polish Ambassador.

A Yes.

Q He didn't tell you, as I understand you, that he was going to inform M. Lipski that the main obstacle to any diminution of the tension between the two countries was Poland's alliance with Great Britain. He didn't tell you that, did he?

A No.

Q That is GB-39, PS-72, page 119. So that while he was asking you to go to England to deal with one side of the matter he was dealing with Mr. Lipski on the other. I just want to get clear the situation on the 24th Did he tell you that the decision had been made to attack Poland on the morning of the 26th?

H0087 - 0033

A No, in no way whatsoever.

Q Now, you asked to go for these general purposes, as I put them to you. You know now, Mr. Dahlerus, that on the next day our "note verbale" was given to Sir Nevil Henderson by Hitler, on the 26th.

A Yes.

Q And that note, as distinguished from what was said to you later on, said in general terms that the Polish question must be solved, so that the effect of the plans as they stood on the evening of the 24th when Goering rang you up, was that you were going off in the morning with the expression of a general desire for a peaceful solution, the "note verbale" was to be given to Sir Nevil Henderson on the afternoon of the 25th and at that time the plan was that Poland would be attacked on the morning of the 26th when you had delivered your message and Sir Nevil had sent out the "note verbale." That was the position?

A Yes.

Q Now, did Goering ever tell you why the plan of attack was changed from the 26th to the 31st?

A No, he never mentioned anything about the plan of attack; neither that it was changed.

Q He didn't tell you that -- and this is Document PC-90, GB 64 -- I quote Goering's own words: "On the day when England gave her official guarantee to Poland" -- that was the 25th -- "the Fuehrer called me on the telephone and told me that he had stopped the planned invasion of Poland. I asked him whether this was just temporary or for good. He said, 'No, I will have to see whether we can eliminate British intervention.' So then I asked him, 'Do you think that it will be any different within four or five days?'" Goering never told you that at the time you were being sent to London all that was wanted was to eliminate British intervention?

A Not at all.

Q Well, now, I just want you to take again, quite shortly -- you went and came back with Lord Halifax's letter. I want to make this quite clear, Mr. Dahlerus: Throughout Lord Halifax made it clear that Great Britain was going to stand by her obligations to Poland, did he not?

H0087 - 0034

A Yes.

Q And then on the 27th of August, the night of the 26th, 27th, at 12:30 midnight, you had this interview with Hitler. Now, to you, Mr. Dahlerus, Hitler for the first time made it clear that his terms were that Great Britain should help Germany in securint Danzig and the Corridor.

A Yes.

Q Not "rights in the Corridor," but "the Corridor." Do you remember when you told Mr. Chamberlain that he was caught between praise and that given Mr. Henderson?

A That's correct.

Q Now, I am not going to go through it all again, but I just want you to help me from your own book, which you say was carefully and objectively written, as to the state of mind of the rulers of Germany at that time. Now, would you first of all look with regard to Hitler on page 47? That is the passage you have already told the Tribunal about, when he was shouting, "Dann werde ich U-Boote Bauen, U-Boote, U-Boote," to begin with?

A Yes.

Q Now, just let me put it to you - it is quite short -- how you described it at the time, and you tell me if it is right. "If there should be a war, he said, 'Dann werde ich U-Boote Bauen, U-Boote, U-Boote,' and raised his voice each time?"

A Yes.

H0087 - 0035

The voice became more indistinct and finally one couldn't follow him at all. Then he pulled himself together, raised his voice as though addressing a large audience and shrieked -- shrieked -- 'Ich werde Flugzeuge Bauen Flugzeuge, Flugzeuge, und werde meine Feinde vernichten'" and then you go on to say, "Just then he seemed more like a phantom from a story book than a real person. I stared at him in amazement and turned to see how Goering reacted, but he didn't turn a hair."

Now would you mind turning to page 53? There is one sentence before the bit I read on page 47. I just want to get that clear. You say, "His voice became blurred and his behavior was that of a completely abnormal person."

Will you now turn to page 53? I want you to tell the Tribunal your impression of the way he treated the defendant Goering. The Tribunal has heard a great deal about the relations between them. At the bottom of the page you say this:

"From the very beginning of our conversation I had resented his manner toward Goering, his most intimate friend and comrade from the years of struggle. His desire to dominate was explicable, but to require such obsequious humility as Goering now exhibited from his closest collaborator seemed to me excessively repellant and unprepossessing."

Will you just turn over to page 54, the fifth line from the end?

"I realized that I was dealing with a person who could not be considered normal."

That was your considered view, wasn't it, Mr. Dahlerus?

A It was the opinion I formed the first time I met him.

Q That was the Chancellor of Germany. Now I want you for a moment to deal with the Foreign Minister of Germany according to the impressions you formed. Generally, I think you got the impression that von Ribbentrop was doing everything he could to interrupt and spoil your endeavors?

A That is correct.

Q But according to Goering, he went farther than that. Will you look at page 76? This is, you remember, when you were just saying goodby to Goering on, I think, your last visit to London after he had drawn the map, which I will come to in a moment. Did you say this?

H0087-0036

"Before we parted he again went over the German standpoint, saying finally that if we never met again he would like to take the opportunity of thanking me for what I have done and for my tireless energy in the cause of peace. I was somewhat surprised by this farewell and could not help replying that in all probability we should meet again soon.

"His expression changed and he said solemnly, "Perhaps. But certain people are doing what they can to prevent you getting out of this alive."

That was said seriously and solemnly, Mr Dahlerus?

A Exactly.

Q And you go on:

"At a meeting in October of the same year Goering told me that Ribbentrop had tried to arrange for my plane to crash. Hence Goering's solemn mien when he bid me farewell."

A He mentioned Ribbentrop's name one minute beforehand, and then when he spoke about the plane crashing he said the name "he." I assume it was Ribbentrop.

Q That was the Foreign Minister, according to Goering.

I want you just to turn to page 100; I want to correct a few things. This is a description of the 1st of September, in the afternoon of the day on which Poland had been attacked, and you saw the defendant Goering, I think, in the Air Ministry or at one of his offices. Do you see this just before the second break?"

"To him," that is, to Goering, "everything was lined up according to a plan which nothing could upset. Finally he called in the Secretaries of State, Koerner and Witzbach, gave them a long harrangue, and presented each of them with a sword of honor, which he hoped they would carry gloriously through the war. It was as if all these people were in some crazy state of intoxication."

Are these your words?

A Yes.

Q That was your impression? Of course yoy mean that they were mentally intoxicated with the idea of war?

A They had changed their frame of mind within a short time.

H0087 - 0037

Q So that of the three principal people in Germany the Chancellor was abnormal, the Reichsmarshal , or the Fieldmarshal, as he was then, was in a crazy state of intoxication, and according to the defendant Goering, the Foreign Minister was a would-be murderer who wanted to sabotage your plane?

A (The witness nodded.)

Q Just let us proceed quite shortly with what happened after that.

On the weekend of the 26th and 27th of August you went to England. You have told me that you didn't know about the calling off of the attack on the morning of the 26th, and you didn't know that the intention of Hitler was to eliminate English intervention. You didn't know these points, so you went back to England on the 27th with these fuller terms, and the English answer was that while they maintained their obligations, they hoped and recommended that the German and Polish governments might begin negotiations between themselves with regard to the point?

A Yes.

H0087-0038

Q And that was the anser that you brought back.

Now, I just want you to think for a moment of the interview that you had at breakfast time with Goering, I think in his train or in headquarter, on the 29th of August. You will find it at page 65 of the book, if you want to refresh your memory. At that time,didn't Goering try and convince you that the return of Danzig and the Corridor would make no difference to Poland's military situation?

A Yes.

Q Because, illustrating it from his own war maps, he though that Germany was in a position to defeat the Poles anyhow, whether they had the Corridor or whether they hadn't?

A Yes.

Q And his air force and the toops were all in positon to carry that out?

A Yes.

Q Now, I want now to come to the question of the meeting at which terms were given to Sir Neville Henderson. That was at 1915 hours, 7:15 in the evening, on the 29th of August, so the meeting went on for some time. Do you remember that meeting?

A Yes.

Q And the, as I think one of the counsel has elicited from you, the difficulty arose over the demand for a plenipotentiary to be back in 24 hours, as you have explained.

A Yes.

Q Now, I think Sir George Ogilvy Forbes told you that that meeting had gone very badly, and the, at 11:30, you saw Goering and Goering said much the same as Sir George Ogilvy Forbes as to how the meeting had gone.

A Yes.

Q And he said that what had upset the Chancellor was that Sir Neville Henderson had characterized or implied that this demand that the plenipotentiar should come within 24 hours was equivalent to an ultimatum.

A Yes.

Q Do you remember that at that time Goering underlined certain of the terms?

To turn to the preface of the book --

H0087-0039

A Yes.

Q — you see the facsimile. Have you a copy?

A I have the original here.

Q Well, if you will just look at it. Now, it is in German. If you follow the German, I want just to read the bits which Goering has underlined, and I will read it in English and you check to see that I have got the right piece:

"For the rest, in making these proposals the German Government have never had any intention of touching Poland's vital interests or questioning the existence of an independent Polish state. The German Government, accordingly, in these circumstances agree to accept the British Government's offer of their good offices in securing the dispatch to Berlin of a Polish emissary with full powers. They count on the arrival of this emissary on Wednesday,

H0087 - 0040

30 August 1939. The German Government will immediately draw up proposals for a solution acceptable to themselves, and will, if possible, place these at thedisposal of the British Government before the arrival of the Polish negotiator."

That is the question which the defendant Goering has underlined, just before the bit about the sending of the plenipotentiary.

A Yes.

Q So that there was no doubt that the defendant Goering was associating himself with the importance of that point.

A Yes.

Q Now, you remember that at that time, that interview, that is, the night of the 29th, the defendant Goering made a great tirade against the Poles.

A That is right.

Q I am not going into that in detail, but then he said to you that the Fuehrer was preparing what I think in English is a "magnanimous offer."

A Yes.

Q And to show you the nature of the magnanimous offer, he hedged in a portion of the bits of Poland. That is also in the preface to your book.

Now, there are two points about what he hedged in. In fact, it was much more than had been taken from Germany under the Treaty of Versailles. Secondly, it was entirely different from what was cabled over by the defendant von Ribbentrop to Sir Neville Henderson the next night.

A That's right.

Q And, Mr. Dahlerus, I don't think I can put it better than in your own words, if you will turn to page 75. Is this how you record it in your book, the second break?

"This map, a reproduction of which is given in this book, is extraordinarily interesting because it illustrates the rapidity and recklessness with which the decisions in this question were reached. I had the map with me when I left for London a few hours later, but it turned out that the boundaries drawn up on it differed very considerably from those given in the well-known Project Ribbentrop, presented at top speed to Henderson on the night between the 30th and 31st of August."

H0087-0041

That is rather less than 24 hours later.

A Yes.

Q And then you go on to describe what it showed. Well, it showed this quite cleraly, that 24 hours before that was cabled over to Sir Neville Henderson, the German Government had never seriously considered what portion of the Corridor they were going to claim, and what portion they weren't going to claim. Is that so? Goering was putting an entirely different thing to you the night before, wasn't he?

A The first proposal I brought with me on Sunday morning, the 27th. Yes, it was only the Small Corridor, and they extended the claims according to this last plan.

Q They extended the claim, so that the effect of what was put to you, what you were said to announce, that a magnanimous offer was coming, was actually an extension of claims, and equally, actually, quite different from what was suggested the next night

H0087-0042

by the defendant Ribbentrop.

A That is correct.

Q Now, I just want to ask you one word about an interview which took place on the 31st of August. You will find it at page 84 -- no, I'm sorry, it is at page 87. It is the interview when Sir George Ogilvy Forbes gave you an account of what M. Lipski had said. I want you just to tell me this: You did meet M. Lipski, didn't you?

A Yes.

Q And, of course, -- obviously, the same could be said of everyone; I am sure of yourself -- M. Lipski was suffering from considerable strain in that most critical time?

A He was very nervous.

Q Very nervous. And didn't Sir George Forbes tell you that M. Lipski made his opinion quite clear that the German offer was a breach of Polish sovereignty, and that in his view Poland and France and England must stand firm and show a united front, and that Poland, if left alone, would fight and die alone? That was M. Lipski's mood, wasn't it, at the time?

A Yes.

Q And with regard to the other matter, I am not going into the details, but there is a considerable and significant difference between the Polish version of the telegram of instructions to M. Lipski and the version which the defendant Goering showed to you?

A Yes.

Q Now, on the morning of the first of September, I think that you saw Goering at 8 o'clock, and would it be a correct description of the way in which he broke the fact that he had attacked Poland by saying that it was very gradual and slow, almost walking backwards, the way in which he broke the news to you that the attack had taken place?

A Well, so much so that I immediately phoned up London and got contact with the Foreign Office and informed somebody that according to the information I had received, the Poles had attacked, and they naturally wondered what was happening to me when I gave that information.

Q But, however, he did eventually admit that they had attacked Poland, and then you had a further interview with Hitler. There is just one point I

H0087-0043

want you to clarify. I don't think you told the Tribunal about the time he said he would fight for ten years. Look at page 98.

A Yes.

Q You see there, "Saying, 'Will ich zehn Jahre kämpfen,' he brandished his fist and bent down so that it nearly touched the floor."

A Yes.

Q So I take it he was in the same state as at the time of your previous interview.

A Well, if possible, more nervous.

Q Now, there is just one final matter, if you would look at page 102, and then I shall leave your book.

You remember you saw the defendant Goering on the morning of Saturday, September 2?

A Yes.

Q Now, you say this:

"To my surprise he was more inclined to listen to the viewpoints which I maintained. To my surprise he was, for as soon as we had sat down in his private drawing room car, he told me that there was talk of a mediation sponsored by Mussolini. Mussolini was said to be fervently trying to stop the war, and especially to prevent it from spreading."

The next sentence is:

"Goering said that he wanted to inaugurate a new Munich."

I don't want to put it unfairly, and therefore I ask you, Mr. Dahlerus, is the "he" in that sentence -- does it refer to Goering or to Mussolini?

A I think it refers to Mussolini.

Q You think it refers to Mussolini. That is what I suspected, and therefore I won't trouble you further about it except to ask you this:

I have taken you briefly -- I hope you will agree, fairly -- through the points on this matter, and on these facts that I have put to you and with which you will agree, are they the basis of your opinion that the aim of the German Government, including Goering, was to split Poland and Great Britain and to occupy Poland with the consent of Great Britain?

H0087-0044

A Well, if I had known the facts I heard later --

DR. STAHMER: I believe that this question goes too far, and I would like to put this question. It is a general question about the government and quite a number of persons, and besides it is an utterance of opinions and not facts about which the witness is asked.

SIR DAVID MAXWELL-FYFE: The question is, Are these facts the basis of your opinion?

THE PRESIDENT: The Tribunal thinks it is a perfectly proper question and arises directly out of the examination in chief.

Q Mr. Dahlerus, you were answering. I had asked you are these facts--

DR. SAUTER (Counsel for the defendant Funk): Then I should like to ask, Mr. President, to take care that it will be clarified what is understood under the term "German government", which the Prosecutor has repeatedly mentioned. The German government consists of a whole number of ministers, and if one speaks here continuously of the "German government" without saying who personally is meant by that term, then the impression must be made that each one of the ministers was responsible and had taken part in these negotiations, although in fact he might not have known about it. I am counsel for one of these ministers, who has not known anything about these negotiations, and therefore I am interested that the Prosecutor may be kind enough to explain who is meant by that term, "the German government." That is to say, whether the Minister of Economics, Funk, is also included or whether it refers only to two or three other gentlemen.

SIR DAVID MAXWELL-FYFE: My Lord, I --

THE PRESIDENT: We do not agree at with what Dr. Sauter has said. We have already heard the defendant Goering at considerable length about what the government consisted of, and it will be upon the defendants' counsel, when the time omes to argue the case, to argue that the government did not include the members whom they represent.

Defendants' counsel do not seem to understand that what they call clarification is a matter than can be done in re-examination. Dr. Stahmer will have the opportunity of re-examination, and he can ask any questions that arise out of the cross-examination.

H0087 - 0045

Q I will put it, Mr. Dahlerus, in this way: Are these facts which you have heard and agreed with this afternoon, are they the basis of the view which you put in that question which you answered to Dr. Stahmer?

A Yes. At the time when I thought I could usefully make something to prevent a new war, I could definitely prove that nothing was undone by His Majesty's Government to prevent it, but had I known what I know today, I would have realized that my efforts could not possibly succeed.

SIR DAVID MAXWELL-FYFE: My Lord, there is one other point. I ask Your Lordship's indulgence. Dr. Stahmer asked for the names of these English industrialists. My Lord, I am very anxious as representing the British government, that there should be no concealment about the matter at all, and I should ask, with all humility, that Your Lordship allow me to ask Mr. Dahlerus to give those names.

THE PRESIDENT: Certainly, if you wish to.

Q Will you tell us the names of the gentlemen that you met in your wife's estate in Schleswig-Holstein?

A Shall I read them or hand them in?

Q Read them if you would.

A The Honorable Charles Mc Larn, S. W. Rossen, A. Holden, Sir Robert Renig, Bryon S. Mountain, C. F. Spencer, T. Menceford.

Q Thank you very much.

THE PRESIDENT: Does any other member of the Prosecution wish to examine?

Do you not wish, Dr. Stahmer, to re-examine?

DR. HORN: No, Mr. President, I would like to put a question. May I ask, without being misunderstood, whey this morning these names could not be read when Dr. Stahmer asked for them?

THE PRESIDENT: Why do you ask that question? What has it to do with the case of von Ribbentrop?

DR. HORN: This morning the witness Dahlerus was also approved for the defendant von Ribbentrop, and I had agreed with Dr. Stahmer about some questions, and I was interested in these questions; also, the question of the members -- that is, the names of the people who had been there.

H0087-0046

THE PRESIDENT: The reason why the names were not given this morning was because we wished to get on with this trial, and we thought that the names of these gentlemen were irrelevant. But as Sir David Maxwell-Fyfe asked that they might be introduced in order that there could be no suggestion of concealment, the Tribunal has allowed them to be given.

DR. HORN: Thank you.

RE-DIRECT EXAMINATION

BY DR. STAHMER:

Q Mr. Dahlerus, you said this morning that on 23 August you were called by telephone by Goering in Stockholm and he had told you that the situation had become serious and that, therefore, he would like to talk to you. Hashe also told you for what reasons he considered the situation at that moment as serious. Then you came to Berlin on the 24th, spoke at once with Goering. At that time did Goering tell you what had made the situation more serious in the meantime?

A Not clearly.

Q What did he tell you about the danger? In what did he seem to see the danger of the situation?

A He indicated that the fact that the Polish question was not solved and that there was no indication that it would be solved made the situation serious. He also said that it altogether depended on the British attitude and initiative if a solution would be found.

Q Then you found out by that answer that Poland was the point of danger?

A Yes.

Q Then you also brought suggestions on 27 August which foresaw or had as their object the solution of the Polish question?

A Yes.

Q This morning, to my question as to the events on the 26 September, according to my notes, you said at that time y u had been of the opinion that Hitler's plans were not quite clear and this afternoon you spoke of Goering. What is the reason for that difference in your answers?

A At the time I had to assume that the leading members of the German Government worked in close collaboration.

H0087 - 0047

Q You concluded that then? Then you said before if you had known what you know today, then you would not have intervened. What caused that change in your opinion?

A True facts, disclosed chiefly during the proceedings in this Court and as published.

Q What facts do you refer to?

A The incidents I quoted, the declaration of 11 April, 23 May and 22 August.

Q You have no further facts, have you?

A Yes, but these are the main points.

Q And these points which are your further objections or doubts?

A One is the experience on 26 September 1939, the speech by Hitler on 6 October 1939, and a number of declarations made since.

H0087-0048

Q You mentioned before a plane crash, if I understood you correctly, which should have been brought about through Ribbentrop. Will you tell us?

A I meant my statement to indicate that I had assumed that it was Ribbentrop, because his name had just been mentioned about a minute before.

Q I have one more question. What about the map of Poland which allegedly had been shown to you by Goering?

A I have the original of that map in my possession.

Q And what was the explanation given to you?

A Because it was a territory that held a majority of Germans and not Poles.

Q How do you explain, then, the difference between the later offer and that map?

A I can only assume that the question had not been thoroughly discussed and various proposals had been made before the final definite proposal was submitted.

THE PRESIDENT: The witness can retire; and the Tribunal will adjourn.

(A recess was taken until 1535 hours.)

THE PRESIDENT: Mr. Justice Jackson, you will continue your cross-examination now?

MR. JUSTICE JACKSON: I have assumed, your Honor, that since Goering's testimony was suspended in order to hear Dahlerus, on the ground that it changed some of his examination, Dr. Stahmer would complete any direct examination he may have on this subject with the witness before I finished cross-examination.

THE PRESIDENT: I beg your pardon, yes. Dr. Stahmer, will you ask any questions of the Defendant Goering that you wish to ask, arising out of the evidence of the witness Dahlerus.

DR. STAHMER: I can ask these questions now only after I have spoken with him, and I, therefore, consider it advisable that Justice

H0087 - 0049

Jackson should continue his cross-examination so that I can also settle such questions that arise then at the same time.

THE PRESIDENT: Dr. Stahmer, the Tribunal considers that you ought to be prepared to go on now. It is you who asked for the evidence of Dahlerus to be interposed, and Dahlerus was your witness, not the Prosecution's witness, and, therefore, presumably you knew what Dahlerus was going to say.

DR. STAHMER: I then ask for the opportunity of discussing the matter with the Defendant.

THE PRESIDENT: The Court has just been adjourned for 10 minutes.

DR. STAHMER: I was not able to settle the matter in that short period of time.

THE PRESIDENT: The Tribunal are of the opinion that you must ask these questions now and go on with the examination if you wish to examine the Defendant Goering on these matters, and you must do it now.

DR. STAHMER: Very well.

H0087-0050

BY DR. STAHMER:

Q Previously a map was mentioned, supposedly drawn up by yourself, which is contained in Dahlerus's book. He stated this morning to my question that it was contained therein. I submit this map to you, which is to be found on page 53, and ask for your explanation of it.

A In the discussion that took place on the 29th or 30th of August between Dahlerus, myself, and I believe the Fuehrer was also there, I took a map from the atlas spontaneously and outlined in red, blue and green certain regions, not as regions which we should demand from Poland, but those regions in which Germans lived. Since Dahlerus was of this opinion -- this is to be seen from the fact that on a nearby map he repeated the same markings -- he wrote as follows along side the first part marked as "containing German population," and then "according to Goering, regions containing Polish inhabitants."

He then stated,"Goering's first suggestion for the boundary agrees with the boundary line between German and Polish populations." That was not a suggested boundary, but a limitation between the two populations and was the only authentic suggestion that was made to the Polish Government.

If one compares my map one sees that very spontaneously and rapidly a distinction was made between the various populations, German and Polish. In the one area, there is a majority of Germans, and in the other area there are only Poles. Dahlerus was informed of these suggestions as to boundaries that were made in very general terms.

This is also the map that was published, the one which was submitted to Henderson, and the one which, since I drew it up and understood it, went telephonically to the Ambassador for it to be examined.

Q Can you please repeat the last sentence? I believe it didn't come through.

A I said the course of the boundary which Hitler outlined was an official suggestion which he, as the leader, the only person justified to make such a suggestion, had worked out, and it was also this suggestion that was read to Ambassador Henderson, and since he did not understand it, it was phoned by Dahlerus to Henderson in order that he might study it carefully and that he might be sure that the English Ambassador understood it in its entirety.

H0087 - 0051

There was, as I have always said, an enormous risk, since the Fuehrer had forbidden that this information be made public; I nevertheless decided to do so. Nevertheless, so far as my actions were concerned, I point again to the notations: "Goering's indication of German population; Goering's indication of Polish population" and that was only made for his use as a means of orientation.

Q Dahlerus said that on the 23rd of August you called him up and asked him to come immediately to Berlin because in the meantime the situation had become serious. Please clarify this statement and explain this dangerous situation.

A Through the statements of the Fuehrer on the 22nd of August, it became clear to me that the tension had reached its peak. The Fuehrer had stated that if a solution of the problem could not be brought about diplomatically, the solution would <u>have</u> to be brought about. At that time, since it was a statement without discussion made before the higher officers who would come into action in case there was a war, I, as senior officer, permitted myself to tell the Fuehrer that the Wehrmacht would do its duty.

H0087-0052

It was a matter of course, that if the Wehrmacht were called upon it would do its duty.

In second order, however, I wanted to make the more serious efforts as soon as possible. It was now a matter of days. The 25th or the 26th had been named as the day of the invasion. I wanted to make a last effort for negotiations. In order to tell the Fuehrer if such negotiations could be undertaken successfully, I hoped to be able to obtain a diplomatic or political solution. Consequently, it was in connection with the Fuehrer's speech on the 22nd that I wanted to call Dahlerus's attention to this matter. I, of course, did not tell him, and there was no good reason why I, as a German soldier, should tell this to a foreigner, and certainly not as an officer. That is the reason why I did not say anything -- the reasons I have recently outlined.

Things are now being so presented as to make it seem as if there were top secret military matters, and could never be revealed, nor could we ever let such information come to the attention of the foreign press. I point out that we had herein the same procedure as every other country in this world has had.

Q. How did it come that you took part personally and did not continue these negotiations through the foreign office?

A. I was interested in seeing to it that so far as possible this question should be settled peacefully. The work of the foreign office is an official work. Here it was being worked on anyway according to the policies as set down by the Fuehrer, and I could only make my influence felt by an immediate appeal, and outside official channels. I did not have any official position as regards the foreign countries, nor was I a foreign minister.

At this time I was perfectly clear in my mind that it was not a matter of formality, but it was the more practical way of achieving something. If I wanted, however, to effect an influence on the Fuehrer, it was only possible to me if I said something to the Fuehrer to the effect that withhis official approval it would make it much easier for the bringing about of an official solution. That would go more rapidly.

H0087 - 0053

Q There was a question of a personal step on your part that was to take place simultaneously with the official negotiations. This was clear to England?

A From the entire action, this was a non-official channel, and only at one or two points touched the official channels that were, at the same time, being presented.

H0087-0054

That is to say, first, the phase where Ambassador Henderson, instead of returning immediately to Berlin, stayed for one or two days in London in order to speak with the unofficial negotiator, Dahlerus, in order to inform the British Government of just what these unofficial negotiations were, as preparation for the official negotiations would be much better.

I was convinced at this time that a considerable step -- I believe this was the28th - - could be takenin the direction of a peaceful solution. I believe this is demonstrated by the fact that the same attitude was to be found on the part of the English Ambassador, who made a very clear expression of this fact. During these whole negotiations it was not a question, as far as I was concerned, of isolating Poland and keeping England out of the quarrel, but it was a question of the Polish Corridor which had come up, to bring about some peaceful settlement on the lines of the Munich Agreement. These were my efforts until the last moment. If it had only been a question of eliminating England from the quarrel, then, firstly, the English diplomacy would have recognized that immediately -- it has enough training. However, it did enter into these negotiations. And, secondly, I would probably have used an entirely different tactic.

It is not that I am reconstructing this in retrospect; I am speaking of exactly what happened in those days -- what I wanted and whatI did. The testimony of what Dahlerus says in his book regarding his talks with the Fuehrer did not by any means take place as he describes them. His attitude in his book is a very subjective one, for the Fuehrer would not have been long party to such a talk.

There are also subjective interpretations n the book, which perhaps are unessential, but will be emphasized by the Prosecution, namely, that I, in a theatrical way, handed two collaborators swords so that they might take part in the aggressive action. One of these who is said to have received a sword from me was my civilian secretary, Koerner. The most I could have given him was apen, because it was his task to carry out the the Four Years Plan. The second person to whom I am supposed to have handed a sword was my chief of staff, a ministerial director, who also was no soldier, but whose main task during the war was exclusively that of keeping my civilian, not my military, staff in order. For both these matters neither of these gentlemen needed either a sword or encouragement to behave in a military way.

H0087-0055

Q Is it correct that it was first intended to undertake aggressive action against Poland on the 26th of August, and that this date was later postponed?

A It was provided that if by this time -- there were previously official negotiations, that must not be forgotten -- if then these negotiations had not led to a clarification of the problem, as a consequence of the general mobilization of Poland, and as a consequence of boundary disputes that had actually taken place -- I remind you of the many thousands of Germans who had fled and had been beaten; In other words, the atmosphere at this time was such that the Fuehrer believed that a solution could only be brought about in a belligerent way. This delay came about precisely because, one, we believed that a diplomatic solution could be found, and then it was for me a matter of course that I should increase my unofficial efforts toward peace, and that is the explanation of the conversations of Dahlerus in Berlin and London that took place so often.

When my last attempt was suggested on the 3rd of September, this was the situation as it was described very clearly by Dahlerus. The English Government did not send any ultimatum after the 1st of September, but it sent a note in which it demanded the withdrawal of German troops from Poland.

THE PRESIDENT: Will the interpreter please tell the Tribunal what the last question asked by Counsel was? Does the shorthand writer know?

(Interpreter repeated the question.)

H0087 - 0056

THE PRESIDENT: As far as we have heard we have had no answer to it yet.

DR. STAHMER: I have not understood what is going on, Mr. President.

THE PRESIDENT: The question you asked was whether the date of the 26th of August was arranged for the action to take place against Poland and the defendant Goering has been speaking for some considerable time and has not answered that question yet as far as I have heard.

THE WITNESS: I have answered that. Actually the 26th of August was seen by the Fuehrer as the date for the invasion, since he held it necessary, in view of the situation at that time. It was then possible to persuade him to a postponement in order that further negotiations might be carried on.

BY DR. STAHMER:

Q How is it to be explained that Hitler's suggestion failed?

A Which suggestion?

Q The last suggestion that Dahlerus took to London.

A This proposal was an unofficial one and was followed by an official proposal that was read to the British Ambassador in a note, that is to say, the British Goverrment was informed what demands Germany would make against Poland. This suggestion was not entirely understood and was then unofficially carried on. The British Government was unofficially informed of it amd, as previously described, the proposal was carried by Dahlerus to London. It came to naught because the Polish Government did not consent to discuss this proposal. First there was a delay so that there might be a plenipotentiar appointed. Then they waited for an emissary. First of all it was thought that the Polish Ambassador might be this emissary but he, however, declared that he was not justified to conduct any negotiations. Because of that the Fuehrer decided on invasion the next day. This telegram I also sent to the British Ambassador via Dahlerus, the telegram of the Polish Government to its ambassador, in which it forbade him from conducting any negotiations regarding proposals or to make any proposals or to hand in any note on the subject.

This telegram which I mentioned first the day before yesterday, I turned over to Dahlerus so that he could turn it over in turn to Henderson

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and I told him in addition, despite any scruples I might have had, that it was of extraordinary importance that the British Government should find out as quickly as possible about the intransigeance of the Polish attitude so that it might exercise some influence on the Polish Government to correct this condition. I thus demonstrated that I knew the secret, I had cracked the Polish diplomatic code and thus endangered Germany with this unique occurrence, in that I should reveal this secret and I can only justify it by my wish to avoid war at the very last moment. I should, therefore, like to read the appendix to the official communique, the message from the Polish Government to the Polish Ambassador. I skip the first part and read only the following:

" As a particular secret for the Ambassador, he is informed -- conduct official negotiations under no circumstances. In the event that oral or written suggestions are made tell the Reich Government that you have no plenipotentiary powers to respond to them and that your power extends only to that of turning over that communication to your government. You can do nothing until you receive further instructions."

It is clearly seen from this that the ambassador was not in a position to do anything in the direction of peace and this telegram which the Fuehrer read also made him very doubtful of the possibility of reaching any peaceful understanding with Poland.

Q Were these negotiations carried out by you with the earnest will of maintaining peace?

A If one reads this in its context it can be seen from this document. But I should not like to rely altogether on the evidence of this book but also on what I can say here under oath. It was my firm will to do everything I could to settle this problem peacefully. I did not want war, consequently I did everything I could so far as I possibly could to avoid it. That has nothing to do with what preparations I, as a matter of duty in my capacity as a soldier, was obliged to make.

Q A matter was brought up here , the question of an airplane accident which might possibly have killed Dahlerus. What can you say to this?

H0087 - 0058

A The witness Dahlerus said at the conclusion of his testimony that he would have to correct himself, that he had not received this absurd news from me, but that there was some confusion on his part because I mentioned Ribbentrop's name in some entirely different context. I had only one concern and that is what

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I brought his attention to. Dahlerus flew in my own private plane to London at that time. Tension was very acute then; all states were mobilizing and a state of war was imminent. Official air transport had been cut off so that it was not a very simple matter for a German plane to fly to London or that, vice versa, a British plane could fly to Berlin with a courier. Such a plane would have run into danger from anti-aircraft. I wanted, as faras possible, to obviate this danger by telephoning Dutch and English offices. This was the reason for my telling Dahlerus that I hoped he would go and return safely because in those times it would have been easy for an accident to take place.

Ribbentrop knew nothing whatsoever about the fact that Dahlerus was being sent. I never discussed the matter of Dahlerus with Ribbentrop. He did not even know that he was flying or that there were any negotiations between me and the British Government; in other words there was confusion there.

Q On the 26th of September, were you present at the conference between Dahlerus and Hitler?

A Yes.

Q What did Hitler say then about Poland?

A It is correct to say that he made statements to the effect that the situation that existed in Poland before the outbreak of war could, now that peace had come about, no longer be considered. Now, of course, he wanted to get back again these German provinces that had been taken from Germany in 191[illegible] But, at that time he pointed out that a General Government in Warsaw would not interest him but he pointed out strongly to Dahlerus that this was a question which concerned Germany and Russia, in first order, and there could be no question of a solution with England because a great part of Poland had already been turned over to Russia. This, in other words, was an agreement that he could no longer settle unilaterally with England. Russia would also have to participate init.

DR. STAHMER: I have no further questions.

BY MR. JUSTICE JACKSON:

Q I call your attention to the testimony which you gave yesterday

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and ask you if it is correct.

"I think I was Deputy Chairman (referring to the Reich Defense Council), I don't even know, I heard about that but I assure you under my oath, I assure you under my oath, that at no time and at no case did I participate in a single meeting when the Council for the Defense of the Reich was called together as such."

Is that a correct transcription of your testimony?

A Yes, I said --

Q That is all.

A Yes.

Q I ask to have your attention called to 3575 PS (U.S.A. Exhibit 781) which is the minutes of the Reich Defense Council of the 18 of October, 1938, with your presiding.

I call your attention to the statement that the "meeting consisted solely of a three hour lecture by the Field Marshal. No discussion took place."

Is that correct?

(witness handed document)

A I have to read it first, this is the first time I have seen the document.

Q You did not know when you testified yesterday that we had this document, did you? Would you pause to answer that question?

A I had not previously seen this document. I have to read it now first. It says:

"Notes on the 18 of November; meeting of the Reich Defense Council."

The Reich Defense Council, as it is here described, consisted of a few people. There were present all Reich Ministers and Secretaries of State, finally the High Commands, Chiefs of Staff of the three parts of the army, Bormann as deputy of the Fuehrer, General Deluege, SS Gruppenfuehrer Heydrich, Reich Work Leader, Reich Commissar, the President of the Reichsarbeitsamt and others.

When I gave my testimony I was only thinking of the Reich Defense Council, as such. This is a meeting about the Reich Defense Council within the framework of a much larger program. Hence then, there is a question her

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of a meeting regarding the Reich Defense Council, part of a program that was much larger than the Reich Defense Council itself.

Q I call your attention to the fact that the "Field Marshal stated it to be the task of the Reich Defense Council to correlate all the forces of the nation for accelerated building up of German armament."

Do you find that?

A One moment -- yes, here I have it.

H0087-0062

Q The second paragraph?

A Yes.

Q And II, "The first task, the assignment is to raise the level of armament from a current index of 100 to one of 300."

A Yes.

DR. SIEMERS: (Counsel for the defendant Raeder): I cannot quite see the reason why documents are not submitted to the Defense before they are submitted to the Court. I had not previously known of this document.

During the last few days, several times it has happened that documents were suddenly presented by the Prosecution without its having made any effort to inform the Defense of their existence.

MR. JUSTICE JACKSON: That is perfectly true, and I think every lawyer knows that one of the great questions in this case is credibility, and that if we have to, in cross-examination, submit every document before we can refer to it in cross-examination after we hear their testimony, the possibility of useful cross-examination is destroyed.

Now, of course he did not know, and we have had the experience of calling document after document to their attention, always to be met with some explanation, carefully arranged and read here from notes. No defendant has ever had better opportunity to prepare his case than these defendants, and I submit that cross examination of them should not be destroyed by any requirement that we submit documents in advance.

THE PRESIDENT: Did you wish to say something?

DR. SIEMERS: Yes. I should like to make two points. First, I am entirely agreeable if Justice Jackson wants to make use of the element of surprise. I should only be thankful if the Defense would be permitted in its turn to use the element of surprise. Nevertheless, we have been told heretofore that we must show every document we intend to use weeks ahead of time so that the Prosecution has several weeks in order to take an attitude towards this document.

Secondly, if the element of surprise is being used, I believe that we, as defense counsel, should be provided with this surprise at the same time that the document is submitted to the Court. However, I have no copy either of this document or of the previous documents.

H0087 - 0063

THE PRESIDENT: What you have just said is entirely inaccurate. You have never been compelled to disclose any documents which you wished to put to a witness in cross examination. This is cross examination and therefore it is perfectly open to counsel for the Prosecution to put any document without disclosing it beforhand, just as defense counsel could have put any document to witnesses called on behalf of the Prosecution if they had wished to do so in cross examination.

I am sure that if counsel for the defendants wish to re-examine upon any such document as this, a copy of it will be supplied to them for that purpose.

The Tribunal now rules that this document may be put to the witness now.

DR. SIEMERS: Does the Defense have the opportunity, now that the document is becoming known to the entire Tribunal, of becoming familiar with this document, in other words, of getting a copy of it?

THE PRESIDENT: Yes, certainly.

DR. SIEMERS: We should be thankful if we could have a copy now.

MR. JUSTICE JACKSON: I am frank to say I don't know whether we have adequate copies to furnish them to all of the defense counsel now.

THE PRESIDENT: Maybe you haven't, but you can let them have one or more copy.

MR. JUSTICE JACKSON: But I do not think we should furnish copies until the examination with reference to that document is completed.

THE PRESIDENT: Yes, Dr. Dix.

DR. DIX: I should like to make one request. Would it be technically impossible that at least the counsel of those defendants who are being cross examined also receive a copy of the document at the same time that the document is submitted, so that defense counsel will be in a position, just as the Tribunal is, to follow the cross examination?

When Justice Jackson says that it is his opinion that it is correct that the Defense should only receive the document after the cross examination, I ask, in the interest of the dignity and prestige of the Defense, to object to that. I do not believe that he means by that,

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that should the Defense have these documents in its hands at the same time as the Tribunal, through signs or

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some other means the counsel would influence the witness or would in any way disturb the Prosecution. Justice Jackson certainly did not mean that, but one might draw that conclusion.

I therefore make this request: If, for the purposes of cross examination, in view of the altogether justified element of surprise, a document is presented and at the same time is submitted to the Tribunal, then at least it should be given at the same time to the counsel for the witness who is on the stand or who has called the witness so that he can have some idea of what the witness is being confronted with.

Goering could read this document, but Dr. Stahmer could not. In other words, he is not in a position to follow Justice Jackson's cross examination. That is certainly not the intention of the Tribunal and is certainly not good. I should therefore like to ask Justice Jackson to reply to my application in order to assist the Tribunal in its decision on what appears to me to be a matter of course.

THE PRESIDENT: Justice Jackson, the Tribunal is inclined to think -- the Tribunal certainly thinks -- that you are perfectly right, that there is no necessity at all, as I have already stated, to disclose the document to the defendants before you use it in cross-examination. But, at the time you use it in cross examination, is there any objection to handing a copy of it to the counsel for the defendant who is being cross examined?

MR. JUSTICE JACKSON: In some instances it is physically impossible because of our situation in reference to these documents. A good many of these documents have come to us very lately. Our photostatic facilities are down.

THE PRESIDENT: I am not suggesting that you should hand it to all of them, but only to Dr. Stahmer.

MR. JUSTICE JACKSON: If we have copies, I have no objection to doing that, but if we do not have them in German -- our difficulty has always been to get German copies of these documents.

DR. DIX: May I say one thing more. If it is not possible in German, then it should at least be possible in English. One English copy will certainly be available. If it is a question of a German witness, the document will be submitted to him in German since German is his native tongue. I believe that will certainly be possible.

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(Dr. Seimers approached the lectern.)

THE PRESIDENT: We don't really need to hear more than one Counsel on this short point. I have already ruled upon your objection which was that this document should be produced beforehand and the Tribunal has already ruled that objection should be denied.

DR. SIEMERS (Counsel for the Defendant Raeder): Mr. President, my application was that the Defense should receive these documents at the same time the Tribunal does. I am not of the opinion embraced by Dr. Dix, that only one Defense Counsel should receive it. If it is a document regarding the Reich Defense Counsel, then as a document it is important to several of the Defendants. One copy is therefore not sufficient. Each Defense lawyer must have one.

THE PRESIDENT: But not at this moment. There are, as we all know, the very greatest difficulties in producing all these documents, and extraordinary efforts have been made by the Prosecution and the Translating Division to supply the Defendants with documents, and with documents in German, and it is not necessary that every member of the Defense Council have these documents at the time the witness is being cross-examined. I am sure the Prosecution will do everything they can to let you have the documents in due course -- any document that is being used.

In the opinion of the Tribunal, it is perfectly sufficient if one copy of the document is supplied to the Counsel for the witness who is being cross-examined. As I say, the Prosecution will doubtless let you have copies of these documents in due course.

You are appearing for the Defendant Raeder, and the Defendant Raeder, I am afraid at the present rate, will not be in the witness box for some time.

DR. SIEMERS: The result of that is that the Defense Counsel who does not have a copy does not understand what is going on. I ask the Court to consider that it is not because of technical matters, that the procedure cannot be followed. The document is, however, mimeographed and with the help of a stencil; it is entirely indifferent whether 20, 40, 80 or 150 copies are drawn from the stencil. It makes no difference from the point of view of time, perhaps four or five minutes. I believe for this reason that one can hardly take refuge in this matter in the technical difficulties.

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THE PRESIDENT: Counsel for the Prosecution will consider what you say, but no rule has been made by the Tribunal that every document should be supplied to every Counsel during cross-examination.

THE WITNESS: I should like to say in regard to the document that this --

MR. JUSTICE JACKSON: I ask that the witness be instructed to answer the question and reserve his explanations until his Counsel takes him on. Otherwise, this cross-examination cannot successfully be conducted, in the sense of being reasonable in time.

THE PRESIDENT: I have already explained, on several occasions, that it is the duty of Defendants when they are in the witness-box, and the duty of witnesses, to answer questions directly, if they are capable of being answered directly in the affirmative or in the negative, and if they have any explanations to make afterwards they can make it, after answering the question directly.

BY MR. JUSTICE JACKSON:

Q I call your attention to Item 3, under II, "Finances," reading as follows:

"Very critical situation of the Reich Exchequer. Relief initially through billion imposed on Jewry and through profits accruing to the Reich in the Aryanization of Jewish enterprises."

You find that in the minutes, do you not?

A Yes, that is there.

Q And you find the minutes signed by Woermann, do you not?

A No, that is not true. I beg your pardon. Woermann (pronounced differently from Mr. Justice Jackson) signed that. I know Bormann's signature.

Q I said Woermann -- all right, my poor pronunciation. Well, was it not a fact that you set up a working committee under the Reich Defense Council which did meet from time to time and did carry on certain work?

A I have already testified to that effect.

Q And I call your attention to Exhibit E.C. 405 (U.S.A. 781) minutes of a meeting of the Working Committee of the Reich Defense Council, meeting No. 10.

A I have already told the President that if I am to answer the question, afterwards I must explain it in more detail; now that I have answered these questions as you want me, with a single negation or affirmation, I want now to

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make further explanation. I want to explain that this was not a meeting of the closed Reich Defense Council but a general calling together of all Ministers, Secretaries of State and many other people. Roman numeral I, organization of the Reich Defense Council. The Reich Defense Council was already, by decision of the Cabinet, called into being. But it never met. Through the Reich Defense Law of the 4th of September, 1939, it was re-established. The Chairman was Field Marshal Goering. In this Reich Defense Council, in which this speech took place, in which Schacht made a definitive speech, he, as I have stated in writing, this Council never met.

I should like you now to repeat the question regarding the second document.

Q You testified that the movement into the Rhineland had not been planned in advance.

A Only very shortly beforehand.

Q How long?

A As far as I recall, at the most two to three weeks.

Q Now, I call your attention to the minutes of the tenth meeting of the Working Committee of the Reich Defense Council, F.C. 405 (U.S.A. 781), 3575 P.S., toward the end of that document, the discussion on the 6th month, 26th day of 1935, which reads as follows: --

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A May I ask what page?

Q I have not enough copies--

A If you don't tell me what page, I will have to read the whole document.

Q Turn to the last paragraph and we will work backwards. "Commitment to writing of directives for mobilization purposes is permissible only in so far as it is absolutely necessary to the smooth execution of the measures provided for the demilitarized zone and without exception such material must be kept in safes." Do you find that part?

A It is here in the document that was handed to me, statements of various people. It is a different log. It seems to have no such last paragraph as you are quoting. Perhaps there is some difference between the German and English texts. The last paragraph here is altogether unimportant. Where, please, am I to read in the document?

Q You will find the third paragraph from the end, if my document is correct--have we got the same document?

A You must tell me who was speaking. Various people are speaking in this document.

(A member of the Prosecution indicated a place in the document for the witness.)

It has been shown to me now. I have to read through it first.

Q Do you find this: "The demilitarized zone requires special treatment. In his speech of 21.5.35 and other utterances, the Fuehrer and Reichschancellor has stated that the stipulations of the Versailles Treaty and the Locarno Pact regarding the demilitarized zone are being observed." Do you find that?

A Yes.

Q And do you find the next paragraph, "Since political intangible elements abroad must be avoided at present under all circumstances, only those preparatory measures that are urgently necessary may be carried out. The existence of such preparations, or

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the intentional expression of them must be kept in strictest secrecy in the zone itself, as well as in the rest of the Reich." Do you find that?

A Yes.

Q You will also find, "These preparations include in particular the following." A and B are not important to my present question. "C. Preparation for the liberation of the Rhine."

A Oh, no, here you have made a great mistake. The original word in German is, "C. Preparation for the Freimachung of the Rhineland, a purely technical matter that had nothing to do with the liberation of the Rhineland, first of all, mobilization of transports and, C, preparation for the Freimachung of the Rhineland. That has to do with transportation; the river had to be cleared for military measures. Then, "D. Preparation for local defense," and so on. These, in other words, are very small local preparations for mobilization--

Q Mobilization, exactly.

A That, if you remember, I emphasized in my testimony that in the demilitarized zone, general preparations for mobilization should be made. I mentioned the purchase of horses and so on. I wanted to point out the difference between Freimachung, which means clearing the Rhine, and liberation of the Rhineland.

Q Well, those preparations were preparations for armed occupation of the Rhineland, were they not?

A No, that is altogether wrong. If Germany had become involved in a war, no matter from what side, let us assume the East, then mobilization would have to be carried out for security reasons throughout the whole Reich, also in this part of the Reich, even in the demilitarized Rhineland, but not for the purpose of liberating it.

Q You mean the preparations were not military preparations?

A Those were general preparations for mobilization, such as every land carries out, and not for the purpose of the occupation of the Rhineland.

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Q But of a character which had to be kept entirely secret from foreign powers?

A I do not believe I can recall the publication of the preparations of the United States for mobilization.

MR. JUSTICE JACKSON: I respectfully submit to the Tribunal that this witness is not being responsive, and has not been in his examination, and that it is--

(The witness interposed a few words here.)

It is perfectly futile to spend our time if we can't have responsive answers to our questions.

(The witness interposed slightly here.)

I don't want to spend time doing that, but this witness, it seems to me, is adopting, and has adopted in the witness box and in the dock, an arrogant and contemptuous attitude toward the Tribunal, which is giving him the trial which he never gave a living soul-- nor the dead ones either.

I shall respectfully ask that the witness be instructed to make notes, if he wishes, of his explanations, but that he be required to answer my questions and reserve his explanations for his Counsel to bring out.

THE PRESIDENT: I have already laid down the general rule, which is binding upon this Defendant as upon other witnesses.

And perhaps we had better adjourn now at this stage.

(The Tribunal adjourned until 20 March 1946 at 10.00 hours.)